

## REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-27 are pending. Applicant traverses the objection and rejection in the Office Action for the reasons that follow.

### Objection to the Specification

The specification has been amended to add cross-reference information required by the Examiner. (Office Action, p. 2.) Applicant therefore requests that the objection be withdrawn.

### Rejection Under 35 U.S.C. § 102(e)

Applicant traverses the rejection of claim 1 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,143,153 to *Black et al.* ("*Black*"). In order to properly anticipate Applicant's claims under Section 102(e), each and every element of the claim in issue must be found, either expressly described or under the principles of inherency, in a single prior art reference. Further, the identical invention must be shown in as complete detail as contained in the claim. (See M.P.E.P. § 2131 (8th Ed., rev. Sept. 2007), emphasis added.) *Black* fails in these regards.

*Black* discloses a method for monitoring network devices based on the detection of threshold events in the network devices. (*Black*, col. 4:1-19.) In response to a detection, network management system (NMS) is notified of a thresholding code of the threshold event and responds in accordance with an action defined within the thresholding code. (*Black*, cols. 3:4-10, 4:1-19.) Actions can include notifying a network manager of the threshold event, and sending a notice to network management system software external to the network device. (*Black*, col. 4:1-19.)

At the outset, Applicant appreciates the Examiner's citation to specific portions of *Black*. However, the Office Action is unclear as to how the cited portions correspond to Applicant's claim features, and the purported correspondence is not otherwise clear from the reference. For instance, as discussed below, Applicant can find nothing in the cited portions of *Black* that corresponds to, at least, "gathering information about the network manager," "maximum size threshold," or "zone in the network," as recited in claim 1. (*See infra*.) As such, Applicant respectfully requests that, in any subsequent Office Action including a rejection based on *Black*, the Examiner particularly point out which elements of *Black* allegedly correspond to each of Applicant's claim features. Moreover, if the correspondence is different than that set forth below, Applicant requests that the Office Action be made non-final so that Applicant has a fair opportunity to respond and make amendments, if necessary.

To the extent the Office Action can be understood, the Examiner apparently asserts that *Black*'s network management system (e.g., 60) and network device (e.g., 540) correspond to Applicant's claimed "network manager" and "network," respectively. (Office Action, p. 3.) In addition, the Examiner appears to assert that *Black*'s disclosure of detecting a threshold event in an application within a network device corresponds to Applicant's "gathering information about the network manager." (*Id.*) Applicant disagrees.

The Examiner cites column 1, lines 35-50 of *Black* for allegedly teaching Applicant's claimed "gathering information about the network manager." On the contrary, this portion is directed a network management system (NMS) receiving information from a network device when some attribute of the device falls below a threshold, and increasing the capacity of the network. *Black*, however, says nothing with regard to receiving information about the network management system. Thus, *Black* does not disclose "gathering information about the network manager," as recited in Applicant's claim 1. *Black*, therefore, also cannot disclose "determining a maximum size threshold of a zone in the network based on ... the gathered network manager information" (emphasis added), as recited in claim 1.

Furthermore, *Black* does not disclose Applicant's claimed "determining a maximum size threshold of a zone in the network." The Examiner cites column 4, lines 1-20 for allegedly showing this feature. (Office Action, p. 3.) But the cited portion merely describes detecting a threshold event in an application within a network device, and responding to the threshold event by, for example, notifying the network manager. (*Black*, col. 4:1-19.) The cited portion of *Black* is silent with regard to "a maximum size threshold" or "a zone in the network," and Applicant cannot find such disclosure elsewhere in the document. Moreover, the "threshold" disclosed by *Black* appears to be the same "threshold" relied on by the Examiner for showing Applicant's "gathering information about the network." (*See supra*.) However, *Black*'s "threshold" cannot be considered to be both Applicant's claimed "gather[ed] information" and "maximum threshold." Accordingly, *Black* also fails to disclose "determining a maximum size threshold of a zone in the network," as recited in claim 1.

Because *Black* fails to disclose or suggest the above-noted features of claim 1, *Black* cannot support a rejection of claim 1 under Section 102(e). Claim 1 is, therefore, allowable over *Black*.

Independent claims 10 and 19 although of different scope than claim 1, recite similar features to the above-identified features of claim 1 missing from *Black*. Accordingly, claims 10 and 19 are allowable for the same reasons as set forth above with regard to claim 1.

Dependent claims 2-9, 11-18 and 19-27 are allowable at least due to their corresponding dependence from independent claims 1, 10 and 19

### **Conclusion**

In light of the foregoing, Applicant respectfully submits that claims 1-27 are in condition for allowance, and requests reconsideration and allowance of the above-captioned application. Should any residual issues exist, the Examiner is invited to contact the undersigned at the number listed below.

If additional fees are required for any reason, please charge Deposit Account No. 08-2025 the necessary amount.

Respectfully submitted,

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